REMARKS

Claim Rejections

Claims 1, 4-8, 10-15, 19, 21, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boer et al. (US Pub. 2004/0101035) in view of Girardeau et al. (US 7,099,398) and further in view of Vialle et al. (EP 1 220 485 A1). Claims 9 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boer et al. in view of Girardeau et al. and further in view of Adachi (US Pub. 2001/0022806).

Drawings

It is noted that the Examiner previously accepted the drawings as originally filed with this application.

Claim Amendments

By this Amendment, Applicant has amended claim 18 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

Regarding claims 1 and 11, on page 4 of the outstanding Office Action, the Examiner states:

> In related art, Vialle et al. show that the state parameter is a ratio determined by dividing the number of the received packets with the number of the transmitted packets (abstract; paragraphs 18-22); (An information packet is received and if the packet has error, re-transmission of packet is requested until there is no error. The re-transmitted packets are then received. Channel observations (p(y divided by x, alpha)), where y is the received symbol, x is the transmitted symbol and alpha is the Rayleigh fading, are derived for receiving packets and are combined to form a combined channel observation used for subsequent turbo decoding).

Applicant respectfully traverses for at least the rejections depending on Vialle et al. Vialle et al. discloses a combinational process presented by the updated conditional probability p(y/x, alpha). The definition of p(y/x) in terms of probability should not be defined as that in the foregoing passage. The p(y/x) is actually p(y OR x)/p(x). Literally speaking, p(y/x) is the probability of y, given x, which could be calculated by dividing the probability of y logic-OR x with the probability of x. The updated conditional probability p(y/x, alpha) should be defined similarly, which is interpreted as the probability of y, given alpha and the outcome of event x. It is therefore evident that Vialle et al. fails to teach at least the claimed feature recited in claim 1 and 11 that "a ratio [is] determined by dividing the number of the received packets with the number of the transmitted packets". The rejections of the claims as being rendered by the aforementioned combinations of references under 35 U.S.C. §103 are respectfully traversed.

For the forgoing reasons, Applicant submits, claims 1 and 11 are patentable over Boer et al. in view of Girardeau et al. and further in view of Vialle et al., and the rejections of claims 1 and 11 should be withdrawn. Since claims 4-10 are dependant upon claim 1 and claims 12-15 and 18-22 are dependant upon claim 11, they are patentable over the cited references for at least the same reasons.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: May 20, 2008 By: John R. Guice, Jr.
Reg. No. 39,699

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707

CUSTOMER NUMBER: 40144